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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 MAXILL INC., an Ohio corporation,
7 Plaintiff,

8 v.

9 LOOPS, LLC; and LOOPS
10 FLEXBRUSH, LLC,

11 Defendants.

C17-1825 TSZ

(consolidated with C18-1026 TSZ)

12 LOOPS, L.L.C.; and LOOPS
13 FLEXBRUSH, L.L.C.,

14 Plaintiffs,

15 v.

16 MAXILL INC., a Canadian corporation,
17 Defendant.

MINUTE ORDER

18 The following Minute Order is made by direction of the Court, the Honorable
19 Thomas S. Zilly, United States District Judge:

20 (1) The motion for extension of time to file a notice of appeal, docket no. 138,
21 brought by Loops, L.L.C. and Loops Flexbrush, L.L.C. is GRANTED in part, and
22 DENIED in part, as follows:

23 (a) In light of the intervening holidays, an extension is GRANTED.
Any notice of appeal shall be filed within fourteen (14) days of the date of this
Minute Order. See Fed. R. App. P. 4(a)(5)(C).

(b) The request to extend the time to file a notice of appeal until
Saturday, February 1, 2020, is DENIED. Judgment in this matter was entered on
December 2, 2019. The 30-day period prescribed in Federal Rule of Appellate
Procedure 4(a)(1)(A) for filing a notice of appeal expires on January 1, 2020, or
effectively, January 2, 2020. See Fed. R. App. P. 26(a)(1)(C). Any extension of
this deadline could not exceed 30 days, see Fed. R. App. P. 4(a)(5)(C), which
would mean, at the latest, a deadline of January 31, 2020, or possibly February 3,

2020, if Federal Rule of Appellate Procedure 26, concerning the computation of time, was liberally construed. The pending motion for reconsideration, docket no. 126, which is the stated reason for seeking an extension of the time to file a notice of appeal, has a noting date of Friday, January 31, 2020, and briefing will not be complete until midnight on that day. Thus, the first opportunity for the Court to consider the motion for reconsideration will be on Monday, February 3, 2020. Even if the Court were to grant the maximum extension, a ruling on the motion for reconsideration is unlikely to issue before such deadline for filing a notice of appeal expired. Given the jurisdictional nature of the timeliness of any appeal, the Court declines to create uncertainty regarding when a notice of appeal is due.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 27th day of December, 2019.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk